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RR RUEHGR
DE RUEHGE #0594/01 1702047
ZNR UUUUU ZZH
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FM AMEMBASSY GEORGETOWN
TO RUEHC/SECSTATE WASHDC 3676
INFO RUCNCOM/EC CARICOM COLLECTIVE
RUEHBR/AMEMBASSY BRASILIA 0969
RUEHCV/AMEMBASSY CARACAS 0332
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL

UNCLAS SECTION 01 OF 02 GEORGETOWN 000594

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WHA/CAR
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E.O. 12958: N/A
TAGS: [PGOV](#) [KDEM](#) [GY](#)
SUBJECT: GUYANA VOTER LIST IN LEGAL LIMBO: ELECTION PREVIEW
#9

REF: A. GEORGETOWN 499
[1](#)B. GEORGETOWN 471
[1](#)C. GEORGETOWN 462
[1](#)D. GEORGETOWN 181

[1](#)1. (U) SUMMARY. The Guyana Elections Commission (GECOM) is progressing with its work to prepare a final voter list for the upcoming national elections. But Guyanese disagree whether registered electors must reside in Guyana to have the right to vote. Because emigration rates are so high, this is a very controversial political and social issue. That it remains unresolved less than three months before elections (hopefully) take place just underscores the disfunction of Guyanese politics. END SUMMARY.

"Residency Requirement" to Vote?

[1](#)2. (U) The question of whether a person must reside in Guyana in order to vote has simmered for years. Unfortunately, GECOM and the political parties have made no effort to resolve this "residency requirement" question. This is a sensitive issue for Guyanese that transcends ethnic boundaries. Many ordinary Guyanese feel that those who emigrate -- at least 2 percent of the total population each year -- relinquish their right to have a say in domestic politics. (Note: This should not be confused with overseas voting, which has been disallowed since 1991 because the PNC historically used it to help rig elections. The issue at hand is whether Guyanese citizens living abroad and still registered to vote can return to Guyana and vote on election day.) Over 80 percent of this year's voter list has been "carried over" from the 2001 and 1997 registration exercises. Given the huge outflux of emigrants from Guyana, 10 to 15 percent of these voters have probably left the country since the last election in 2001.

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GECOM / Civil Society Group Seek Legal Opinions
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[1](#)3. (U) In late May, the Private Sector Commission (PSC), one of Guyana's few notable civil society groups, called on GECOM to advise the public on "what is required under the law with regard to the matter of residency." If there is in fact a residency requirement to be a registered elector, then the consensus is that a full verification exercise will be necessary. This would result in a further, extensive

election delay.

¶4. (SBU) GECOM agreed to seek legal opinions on the matter, as did the PSC separately. Five pre-eminent Guyanese legal minds have weighed in with legal opinions -- two for and three (including the Attorney General) against a residency requirement. Predictably, the issue remains unsettled despite this flurry of legal opinions. When PolOff asked a PSC leader what would now be done with these opinions, the reply came: "Throw them over the shoulder." For months, post and other donors have urged the GoG and GECOM to obtain a binding legal ruling from the courts that would resolve the dilemma, to no avail. Post also asked around if the matter could be brought directly to the fledgling Caribbean Court of Justice, but this appears unfeasible.

What the Law Says

¶5. (U) Articles 59 and 159 of Guyana's constitution seem clear that every Guyanese citizen eighteen or older can vote if registered as an elector, regardless of domicile. (Note: Guyana allows dual-nationality, so emigrants retain Guyanese citizenship.) The one catch in the constitution is that to be registered as an elector, one must satisfy "such other qualifications as may be prescribed by or under any law". Some argue that other such laws (i.e., the 2005 National Registration Amendment Act, the 2000 Election Laws Amendment Act, and the 1991 Constitutional Amendment Act) contain statutes that require residency to be properly registered. Overall, the case against a residency requirement seems stronger.

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Just an Extension of House-to-House Verification Debate

¶6. (U) The residency requirement issue is taking center stage now because the main opposition party PNC/R sees it as a legal lever to force house-to-house verification of the voter list. Opposition leaders insist on physically verifying each voter at his/her residence because they want emigrants removed from the rolls. They believe that most emigrants are Indo-Guyanese -- and thus more likely to support the ruling PPP/C.

¶7. (U) The PNC/R has painted itself into a corner over this issue (ref D) and has tried, with limited success, to mobilize its base to demand house-to-house verification. Nevertheless, election preparations are moving forward without house-to-house, forcing the PNC/R to resort to legal tactics instead. They have already challenged the constitutional amendment extending the election deadline one month to September 2 (ref B). The PNC/R also orchestrated several thousand "objections" to Indo-Guyanese names on the preliminary voter list in the final days of the recently concluded Claims and Objections period -- on the grounds that these people were either fictitious, deceased, or no longer in Guyana.

Comment

¶8. (SBU) The residency requirement question is an important one, which should have been decided long ago through the legislative process. That GECOM failed to push for a resolution is symptomatic of Guyana's political disfunction and GECOM's inability to take decisions. That said, the timing of the PNC/R's challenge over residency is opportunistic, even cynical. If the legal argument for a residency requirement were so strong, it begs the question of why the PNC/R did not push the issue earlier, rather than in

the immediate run-up to elections. The PNC/R appears to be grasping at straws to find a way to delay elections further and remove emigrants from the voter list. The GoG, for its part, has made matters worse by not heeding advice to obtain a legal ruling. Both sides share the blame for this failure to resolve the residency requirement issue -- a failure that has inserted yet more uncertainty into an already shaky election process. END COMMENT.
BULLEN